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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,622	02/14/2001	Frederik Ekkel	000117	2720

7590 06/07/2004

Edward Blocker
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EXAMINER

YUSSUF, SAJID

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 06/07/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,622

Applicant(s)

EKKEL, FREDERIK

Examiner

Sajid A Yussuf

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001 and 08 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 08 December 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. ***Claim(s) 1-11 & 13-18 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Ferber et al. (US Patent Application Publication No. 2002/0004746 and Ferber hereinafter).***

5. As per claim(s) 1 Ferber discloses a transit terminal, providing access over an information network to a repository hosting the information content; at the transit terminal, enabling to transfer the information content over the network from the repository to a mobile storage medium; and, providing the storage medium to the individual, (See Paragraph 0009-0011).

6. As per claim(s) 2 Ferber teaches the claimed invention as described in claim(s) 1 above and furthermore discloses downloading the information content from the repository onto the mobile storage medium, (See Paragraph 0023).

7. As per claim(s) 3 Ferber teaches the claimed invention as described in claim(s) 1-2 above and furthermore discloses providing an apparatus at the transit terminal to allow the individual to cause the transfer of the information content, (See Paragraph 0026-0029).

8. As per claim(s) 4 Ferber teaches the claimed invention as described in claim(s) 1-3 above and furthermore discloses the information network comprises the Internet, (See Paragraph 0022).

9. As per claim(s) 5 Ferber teaches the claimed invention as described in claim(s) 1-4 above and furthermore discloses transferring the information content is enabled over a wireless communication channel, (See Paragraph 0021).

10. As per claim(s) 6 Ferber teaches the claimed invention as described in claim(s) 1-5 above and furthermore discloses the storage medium is an optical storage medium, (See Paragraph 0022).

11. As per claim(s) 7 Ferber teaches the claimed invention as described in claim(s) 1-6 above and furthermore discloses the storage medium is provided to the individual when entering a means of transportation (i.e., wireless device), (See Paragraph 0023).

12. As per claim(s) 8 Ferber teaches the claimed invention as described in claim(s) 1-7 above and furthermore discloses identifying the individual; upon identification, enabling the individual to select the information content from a plurality of information contents; and, downloading the selected information content onto the mobile storage medium, (See Paragraph 0026-0029).

13. As per claim(s) 9 Ferber teaches the claimed invention as described in claim(s) 1-8 above and furthermore discloses enabling the individual enter identification information; selecting the information content based on the identification information; and, downloading the information content, (See Paragraph 0026-0029).

14. As per claim(s) 10 Ferber teaches the claimed invention as described in claim(s) 1-9 above and furthermore discloses the information content is selected based on a profile of the individual, (See Paragraph 0010).

15. As per claim(s) 11 Ferber teaches the claimed invention as described in claim(s) 1-10 above and furthermore discloses charging a fee for transferring the information content, (See Paragraph 0008).

16. As per claim(s) 14 Ferber discloses a connecting unit to access over the information network a repository hosting an information content; a receiving part for receiving a removable storage medium; and a transfer unit, coupled to the connecting unit and the receiving part, enabling to transfer the information content from the repository to the removable storage medium, (See Paragraph 0009-0011).

17. As per claim(s) 15 Ferber teaches the claimed invention as described in claim(s) 14 above and furthermore discloses the information network comprises the Internet, (See Paragraph 0022).

18. As per claim(s) 16 Ferber teaches the claimed invention as described in claim(s) 14-15 above and furthermore discloses the transfer unit allows storing the information content as digital data onto the removable storage medium, the storage medium comprising an optical storage medium, (See Paragraph 0022).

19. As per claim(s) 17 Ferber teaches the claimed invention as described in claim(s) 14-16 above and furthermore discloses the apparatus enables an individual to retrieve the storage medium; wherein the storage medium holds the data (i.e., coupons) for the user to retrieve and use, (See Paragraph 0030).

20. As per claim(s) 18 Ferber discloses a storage medium with pre-stored electronic information content selected on the basis of a profile of an individual and for use with an apparatus on board a means of transportation; wherein a means of transportation is interpreted as having unrestricted means to move anywhere wherein any definite object used to transport a device object or person can be but is not limited to a bicycle, a car, boat, or airplane, and even a persons own two feet, to enable the individual access to the information content, (See Paragraph 0026-0029).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- a. Determining the scope and contents of the prior art.
- b. Ascertaining the differences between the prior art and the claims at issue.
- c. Resolving the level of ordinary skill in the pertinent art.
- d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

23. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferber et al. (US Patent Application Publication No. 2002/0004746 and Ferber hereinafter) in view of Sporgis et al. (US Patent No. 6,320,495 and Sporgis hereinafter).

24. As per claim 12 Ferber discloses at a transit terminal, providing access over an information network to a repository hosting the information content; at the transit terminal, enabling to transfer the information content over the network between the repository and a mobile storage medium, (See Paragraph 0009-0011);

However, Ferber does not explicitly teach assigning a traveling location to the individual in a means of transportation, the means of transportation including the mobile storage medium; and, providing at the assigned traveling location an apparatus to enable the individual to access the information content.

Sporgis teaches assigning a traveling location to the individual in a means of transportation, the means of transportation including the mobile storage medium; and, providing at the assigned traveling location an apparatus to enable the individual to access the information content, (See Column 2 Lines 1-35).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Ferber with the teachings of Sporgis to include assigning a traveling location to the individual in a means of transportation, the means of transportation including the mobile storage medium; and, providing at the assigned traveling location an apparatus to enable the individual to access the information content with the motivation to provide for the navigational accuracy of GPS with the communications superiority of wireless technology to a game (i.e., any activity) of treasure hunt in order to create a challenging, enjoyable, and rewarding experience, (See Sporgis Column 1 Lines 55-61).

25. As per claim(s) 13 Ferber teaches the claimed invention as described in claim(s) 12 above and furthermore discloses the information content is determined from a plurality of information contents on the basis of a profile of the individual, (See Paragraph 0010).

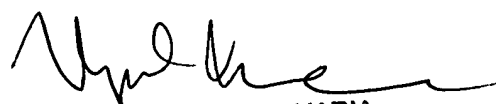
Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajid A Yussuf whose telephone number is (703) 305-8752. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM and Alternate Fridays.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

28. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajid Yussuf
Patent Examiner
Technology center 2100
25 May 2004


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SUPERVISORY